

24 September 2019



Clonnys At Clontarf Pty Ltd  
PO Box 4112  
BALGOWLAH HEIGHTS NSW 2093

Dear Sir/Madam

**Application Number:** Mod2019/0312  
**Address:** Lot 7118 DP 1059397 , 0 Sandy Bay Road, CLONTARF NSW 2093  
**Proposed Development:** Modification of Development Consent DA91/2015 granted for alterations and additions to an existing cafe

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au)

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Matthew Edmonds  
**Manager Development Assessments**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	Mod2019/0312
<b>Determination Type:</b>	Modification of Development Consent

### APPLICATION DETAILS

<b>Applicant:</b>	Clonnys At Clontarf Pty Ltd
<b>Land to be developed (Address):</b>	Lot 7118 DP 1059397 , 0 Sandy Bay Road CLONTARF NSW 2093
<b>Proposed Development:</b>	Modification of Development Consent DA91/2015 granted for alterations and additions to an existing cafe

### DETERMINATION - APPROVED

<b>Made on (Date)</b>	18/09/2019
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The request to modify the above-mentioned Development Consent has been approved as follows:

#### A. Modify Condition No. DA1 to read as follows:

The development, except where modified by the conditions of this consent, is to be carried out in accordance with the following plans and reference documentation:

*Drawings affixed with Council's 'Development Consent' stamp relating to Development Consent No. 91/2015:*

Plan No. / Title	Issue/Revision & Date	Date Received by Council
DA02 / Site and Roof Plan	Issue E / 22.04.2015	28.04.2015
DA03 / Proposed Floor Plan	Issue E / 22.04.2015	28.04.2015
DA04 / Proposed Section	Issue E / 22.04.2015	28.04.2015
DA05 / Proposed Elevations (North West and North East)	Issue E / 22.04.2015	28.04.2015
DA06 / Proposed Elevations (South East and South West)	Issue E / 22.04.2015	28.04.2015
DA08 / Landscape Plan	Issue E / 22.04.2015	28.04.2015

Document Title	Prepared By	Issue/Revision & Date	Date Received by
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			<b>Council</b>
Statement of Environmental Effects	Patrick Lebon	April 2015	28.04.2015
Heritage Impact Statement	John Oultram Heritage & Design	April 2015	28.04.2015
BCA Assessment Report	BCA Logic	17.04.2015	28.04.2015
Arboricultural Impact Report	Landscape Matrix Pty Ltd	16.04.2015	28.04.2015

Except where previously amended on 30 November 2015:

*Drawings affixed with Council's 'Development Consent' stamp relating to Development Consent No. 91/2015:*

<b>Plan No. / Title</b>	<b>Issue/Revision &amp; Date</b>	<b>Date Received by Council</b>
DA01 / Site and Proposed Roof Plan	Issue A / 11.09.2015	21.09.2015
DA02 / Ground Floor Plan / Existing Arrangement	Issue A / 11.09.2015	21.09.2015
DA03 / Proposed Floor Plan / General Arrangement	Issue B / 14.10.2015	04.11.2015
DA04 / Proposed Northwest & Northeast Elevations	Issue B / 14.10.2015	04.11.2015
DA05 / Proposed Southeast & Southwest Elevations	Issue B / 14.10.2015	04.11.2015
DA06 / Proposed Section	Issue B / 14.10.2015	04.11.2015

<b>Document Title</b>	<b>Prepared By</b>	<b>Issue/Revision &amp; Date</b>	<b>Date Received by Council</b>
Statement of Environmental Effects	Patrick Lebon as amended by Squillace Architects	September 2015	21.09.2015

Except where now amended by:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Modification Approved Plans

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Project No. 1004, Revision A, Sheet 2 (Site Plan)	May 2019	Paul Carrick & Associates
Project No. 1004, Revision A, Sheet 3 (Existing & Proposed Structures Plan)	May 2019	Paul Carrick & Associates
Project No. 1004, Revision A, Sheet 4 (Proposed Floor Plan)	March 2019	Paul Carrick & Associates
Project No. 1004, Revision A, Sheet 5 (Proposed Roof Plan)	March 2019	Paul Carrick & Associates
Project No. 1004, Revision A, Sheet 6 (Elevations & Sections)	March 2019	Paul Carrick & Associates
Project No. 1004, Revision A, Sheet 7 (Elevations)	March 2019	Paul Carrick & Associates

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Mechanical Plant Noise Assessment, Report No. nss 23051-Final	June 2019	Noise and Sound Services

c) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

d) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

f) The development is to be undertaken generally in accordance with the following:

<b>Landscape Plans</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Project No. 1004, Revision A, Sheet 8 (Landscape)	March 2019	Paul Carrick & Associates

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

## **B. Amendment to the approved plans**

The following amendments to the approved plans:

- Plans are to be amended to demonstrate the refuse area (bin enclosure) covered by a skillion roof that is no higher than RL 4.9 to prevent stormwater intrusion. All walls of the bin enclosure shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained to the sewer.

Details demonstrating compliance are to be submitted to the Certifying Authority Prior to the issue of the Construction Certificate.

Reason: To keep garbage rooms in a clean and sanitary condition, to protect public health and the amenity of the area, and to prevent pollution of the environment.

**C. Modify Condition ANS06 to read as follows:**

Landscaping shall be undertaken in accordance with the approved Landscape Plan prepared by Paul Carrick & Associates being Project No. 1004, Revision A, Sheet 8 (Landscape) dated March 2019, prior to the issue of any Occupation Certificate. The proposed plantings shall not impinge upon the available public vistas from the building.

Reason: To ensure suitable landscaping is installed within Clontarf Reserve and views out from the building are maintained.

**D. Modify Condition 43 (6BS01) to read as follows:**

The hours of operation of the premises (i.e. hours open for business) must not exceed 6am to 8pm, 7 days per week for the take away food and drink premises/kiosk; and 6am to 11pm, 7 days per week for the restaurant and café, without the prior approval of Council.

Reason: To ensure amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality.

**E. Modify Condition 14 (2WM03) to read as follows:**

**Garbage and Recycling Facilities**

All waste and recyclable material generated by this premises must be stored in the approved screened bin enclosure. All walls of the screened bin enclosure shall be rendered to a smooth surface, covered to prevent stormwater intrusion, well ventilated, kept free of vermin, coved at the floor/wall intersection, graded and appropriately drained to the sewer with a tap in close proximity to facilitate cleaning.

Reason: To prevent pollution of the environment and to protect the amenity of the area.

**F. Add Condition ANS15 to read as follows:**

**Kitchen Design (Scullery and Storeroom), construction and fit out of food premises:**

The construction fit-out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises' this includes the scullery and storeroom . Prior to any Occupation Certificate (OC) being issued certification is to be provided by a suitably qualified person that the fit-out complies with the above requirement.

Reason: To ensure that the kitchen complies with the design requirements.

**G. Add Condition ANS16 to read as follows:**

**Working on Reserves Permit**

Works (undertaken by principal contractors working without Council supervision) on land under Council's care control and management require a "Working on Reserves" permit prior to commencement. Applications can be obtained from Council's website or the Parks, Reserves and Foreshores business unit.

Reason: Public Safety and the protection of Council infrastructure.

**H. Add Condition ANS17 to read as follows:**

External Hardstand Finishes

The North Court Hardstand Area to have a flooring material equivalent to travertine pavers (600x400mm).

Reason: To ensure a consistent outdoor finish to best complement the surrounding reserve.

**I. Add Condition ANS18 to read as follows:**

Extent of Building Work

No building works are to extend beyond the approved lease and licence area.

Reason: To ensure building works do not encroach beyond the agreed lease area into the public park.

**J. Delete Condition ANS08.**

**K. Delete Condition ANS09.**

**L. Delete Condition ANS10.**

**M. Delete Condition ANS11.**

**N. Delete Condition 8 (2DS07).**

**O. Delete Condition 11 (2NL03).**

**P. Delete Condition 12 (2NL05).**

**Q. Delete Condition 28 (4DS03).**

**R. Delete Condition 40 (5MS01).**

## **Important Information**

This letter should therefore be read in conjunction with Development Application No. 91/2015, dated 18 June 2015 and Section 96 (2) application to Development Application No. 91/2015, dated 30 November 2015.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

## **Right to Review by the Council**

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application

should be submitted to Council within 3 months of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

## Right of Appeal

Section 8.10 of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court within 6 months of determination.

*NOTE: A fee will apply for any request to review the determination.*

**Signed** On behalf of the Consent Authority



Name Matthew Edmonds, Manager Development Assessments

Date 18/09/2019